

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN DOYLE,

Plaintiff,

V.

MICHAEL ASTRUE, Commissioner of
Social Security,

Defendant

Case No. C07-5202RBL

REPORT AND RECOMMENDATION

Noted for October 12, 2007

This matter is before the court on plaintiff's failure to file a response to the court's order to show cause issued on August 1, 2007. After carefully reviewing the record, the undersigned recommends that the case be dismissed for lack of prosecution.

Plaintiff, John Doyle, resides in Vancouver, Washington. On or about April 25, Mr. Doyle submitted to the Court Clerk a civil complaint along with an application to proceed in forma pauperis. The Complaint names Michael Asture, Commissioner of Social Security Administration as the sole defendant and alleges the Administration failed to properly consider his application for social security benefits.

In its order granting his application for in forma pauperis Plaintiff was instructed to provide to the Court Clerk summonses to be served with his complaint, and Plaintiff was further advised that it was his responsibility to properly serve copies of the complaint along with the summons as required by Rule 4 of the Federal Rules of Civil Procedure. See Doc. 2. On August 1, 2007, noting that no significant

1 pleadings have been filed with the court clerk (ex. a declaration for Proof of Service), the undersigned
2 issued an order to show cause, directing Plaintiff to either file proof that a summons and complaint in this
3 matter has been properly served on each of the parties noted above or otherwise show cause why this
4 matter should not be dismissed for lack of prosecution. Plaintiff has failed to respond to the order to show
5 cause within the time directed (August 31, 2007).

6 Based on the court record and the facts described above, the Court should dismiss plaintiff's
7 causes of action without prejudice for failure to prosecute. Pursuant to 28 U.S.C. § 636(b)(1) and Rule
8 72(b) of the Federal rules of Civil Procedure, the parties shall have ten (10) days from service of this Report
9 to file written objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of
10 those objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time
11 limit imposed by Rule 72(b), the clerk is directed to set the matter for consideration on **October 12, 2007**, as
12 noted in the caption.

13 DATED this 17th day of September, 2007.

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15 /s/ J. Kelley Arnold
16 J. Kelley Arnold
17 United States Magistrate Judge
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